

FILED

JUL 23 2008

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY *[Signature]* DEPUTY

1 YOUR NAME Rocky M. Contreras
2 YOUR ADDRESS 519 S. Stevenson st. Apt#C, Visalia, California. 93277
3 YOUR TELEPHONE NUMBER 559-622-8581
4
5
6
7

8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
10 (Must start on line 8 or below)

11 Rocky M. Contreras

12
13 -v-
14 Omar Vazquez, U.S.C.G.
(LT), et al.,

'08 CV 1362 DMS WMC

15 Case No.

16 (To be assigned at time of filing)

17 COMPLAINT FOR (Brief description of document)

18 Docket Number: 07-0173.U.S.C.G. Activity Number: 2892224

19 Plaintiff alleges:

20 The U.S.C.G Filed initial complaint against plaintiff on 03-29-07 Alleging 3 Acts of misconduct. Note:
21 (LT) Vazquez was threatening the plaintiff to plead guilty to the charges or more charges will be
22 filed against the plaintiff, this threat caused problems between the both of us via telephone, plaintiff
23 was then and still is maintaining his innocence before homeland security regarding the original
24 allegations and new allegations., during this time the plaintiff and wife were suffering from loss of
25 life, wife miscarried dated 05-11-07. (LT) Vazquez also, violated the plaintiffs right to participate in
26 the due process of law, regarding the pre-trial conference hearing with ALJ; McKenna. which is my
27 VI Amendment right, Note: this case is related to Docket Number 08CV0044 BEN (WMC), but will
be legally pursued, (sued) separately in the higher court. plaintiff believed that he was authoprized
to protect his self freely because he hadnt representaion. Note: the other law Suit against the ALJ
McKenna is an entrapment case. Note: (LT) Vazquez is caught on tape violating my right(s) to
participate in pre-trial conference hearing with the ALJ McKenna. plaintiff contends that the tape
recording is admissible in accordance to United States v. Nixon, 418 U.S. 683; and United States v.
Zepeda-Lopez, No. 05-4246 United States Court of Appeals for the Tenth Circuit; Calif penal code
section 1385 applies to the entrapment and is material to the act caught on tape in accordance to
38 U.S.C. Section 7105(c); and 38 U.S.C. Section 5108. Also Note: Woo Wai v. United States (223
F412 (9th Circuit 1915); and United States v. Howell, 37 F.3d 1197,1204 (1994). also, Note: their
has been much pain and suffering due to the illegal actions from the (LT) Vazquez of the U.S.C.G.
plaintiff contends that all charges against him in the homeland security matter should and/or must
be dismissed due to the illegal activity against me from the U.S. Coast Guard. Note: More Statutes
will follow in an amended motion.

28 ::ODMA\PCDOCS\WORDPERFECT\6869\I May 26, 1999 (2:51pm)

[Signature]
Rocky Contreras

JS44

(Rev. 07/89)

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

(a) PLAINTIFFS

*CONTRERAS Rocky
ABLE Seaman,
U.S MERCHANT SAILOR.*

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF

TULARE

(EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANTS

*VAZQUEZ OMAR J. S.
(LT), et al*

FILED

JUL 23 2008

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY *910* DEPUTY

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT
(IN U.S. PLAINTIFF CASES ONLY)*San diego*

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

ATTORNEYS (IF KNOWN)

'08 CV 1362 DMS WMc

II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

U.S. Government Plaintiff Federal Question
(U.S. Government Not a Party)

U.S. Government Defendant Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX
(For Diversity Cases Only))

Citizen of This State	PT	DEF	PT	DEF
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Incorporated or Principal Place of Business in This State				<input type="checkbox"/>
Citizen of Another State	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Incorporated and Principal Place of Business in Another State	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Citizen or Subject of a Foreign Country	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Foreign Nation				<input type="checkbox"/>

IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

*UNITED STATES V. NIXON 418 U.S. 683; UNITED STATES V. Zepeda-Lopez
No. 05-4246 United States Court of Appeals for Tenth Circuit, 40 Miss 6-
ility of Tape Recording "Question" Amended Motion with More Statutes*

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	310 Airplane	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	PROPERTY RIGHTS	<input type="checkbox"/> 450 Commerce/ICC Rates/etc.
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 153 Recovery of Overpayment of Veterans Benefits	350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability	SOCIAL SECURITY	<input type="checkbox"/> 850 Securities/Commodities Exchange
<input type="checkbox"/> 160 Stockholders Suits	355 Motor Vehicle Product Liability		<input type="checkbox"/> 861 HIA (1395B)	<input type="checkbox"/> 875 Customer Challenge 12 USC
<input type="checkbox"/> 190 Other Contract	360 Other Personal Injury		<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 195 Contract Product Liability			<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 892 Economic Stabilization Act
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 530 General	FEDERAL TAX SUITS	<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 240 Tort to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 550 Civil Rights		<input type="checkbox"/> 950 Constitutionality of State
<input type="checkbox"/> 290 All Other Real Property		<input type="checkbox"/> 555 Prisoner Conditions		<input type="checkbox"/> 990 Other Statutory Actions

VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

Original Proceeding 2 Removal from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from another district (specify) 6 Multidistrict Litigation 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION
UNDER f.r.c.p. 23

DEMAND \$

7 million

Check YES only if demanded in complaint:

JURY DEMAND: YES NO

VIII. RELATED CASE(S) IF ANY (See Instructions):

JUDGE See below

Docket Number

DATE *July 21st, 2008*SIGNATURE OF ATTORNEY OF RECORD *Rocky M. Contreras*

*CONTRERAS v. McKenna Docket No.: # 08CV0044 BEN (WMc)
CONTRERAS v. Brudzinski Docket No.: # 08CV1154 JLS (POR)*